

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN,
and BTA BANK JSC,

Plaintiffs,

v.

FELIX SATER, DANIEL RIDLOFF,
BAYROCK GROUP INC., GLOBAL
HABITAT SOLUTIONS, INC.,
RRMI-DR LLC, FERRARI HOLDINGS
LLC, and MEM ENERGY PARTNERS
LLC,

Defendants.

No. 19 Civ. 2645 (AJN) (KHP)

DECLARATION OF MATTHEW L. SCHWARTZ

MATTHEW L. SCHWARTZ, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am a Partner in the law firm of Boies Schiller Flexner (“BSF”), counsel for Plaintiffs BTA Bank JSC and the City of Almaty, Kazakhstan (the “Kazakh Entities”) in the above-referenced action. I make this declaration in opposition to the motion to stay filed by Felix Sater.
2. Attached hereto are true and correct copies of the following documents:
 - a. Exhibit 1 is a copy of excerpts from the deposition of Felix Sater, which occurred on September 13, 2018 and February 5, 2019, in the matter *City of Almaty, et ano. v. Mukhtar Ablyazov, et al.*, 15 Civ. 5345 (S.D.N.Y.).

- b. Exhibit 2 is a copy of a document previously produced in this action, Bates stamped Almaty-BTA_FS00252978.
- c. Exhibit 3 is a copy of a document previously produced in this action, Bates stamped Almaty-BTA_FS00252994.
- d. Exhibit 4 is a copy of a document previously produced in this action, Bates stamped Almaty-BTA_FS00252926.
- e. Exhibit 5 is a copy of the declaration of Calvin R. Humphrey filed on March 26, 2019 at ECF No. 992-29, in the matter *City of Almaty, et ano. v. Mukhtar Ablyazov, et al.*, 15 Civ. 5345 (S.D.N.Y.).
- f. Exhibit 6 is a copy of the declaration of Dana Mazzoleni filed on March 26, 2019 at ECF No. 992-30, in the matter *City of Almaty, et ano. v. Mukhtar Ablyazov, et al.*, 15 Civ. 5345 (S.D.N.Y.).
- g. Exhibit 7 is a copy of a document previously produced in this action, Bates stamped Almaty-BTA_FS00252938.
- h. Exhibit 8 is a copy of the July 23, 2019 Procedural Order No. 1 issued by the arbitral panel, in the matter *Litco, LLC v. Arcanum (Asia) Limited, et al.*, ICDR Case No. 01-18-0003-7960.
- i. Exhibit 9 is a copy of the August 19, 2019 Statement of Claim filed by Litco LLC, in the matter *Litco, LLC v. Arcanum (Asia) Limited, et al.*, ICDR Case No. 01-18-0003-7960.
- j. Exhibit 10 is a copy of excerpts from the transcript of the initial conference in this action before the Honorable Katharine H. Parker on June 4, 2019.

- k. Exhibit 11 is a copy of excerpts from the transcript of a hearing before the Honorable Katharine H. Parker on August 8, 2019, in the matter *City of Almaty, et ano. v. Mukhtar Ablyazov, et al.*, 15 Civ. 5345 (S.D.N.Y.).

Dated: New York, New York
September 11, 2019

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz